

Date: February 22, 2006 Planning Commission Meeting

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearings Report Prepared by: Cindy Hom					
Public Hearing: Yes: _X_ No:					
Notices Mailed On: 02/	10/06 Published On: 02/09/05 Posted On: 02/10/06				
TITLE:	USE PERMIT AMENDMENT NO. UA2006-1				
Proposal:	A request approval for sales of all types of alcohol for an existing restaurant.				
Location:	692 Barber Lane				
APN:	086-01-035				
RECOMMENDATION: Approval with Conditions					
Applicant:	Nattamon Elaydi, Thai Café, 692 Barber Lane, Milpitas, CA 95035.				
Property Owner:	Ulferts Center (USA) Inc., 668 Barber Lane, Milpitas, CA 95035, Attn: Karen Lau				
Previous Action(s):	Use Permit, "S" Zone Approval				
General Plan Designation:	General Commercial				
Present Zoning:	General Commercial with an "S" Zone Overlay (C2-S)				
Existing Land Use:	Multi-Tenant Commercial Building				
Agenda Sent To:	Applicant & Owner (same as above)				
Attachments:	Plans				
PJ#2424					

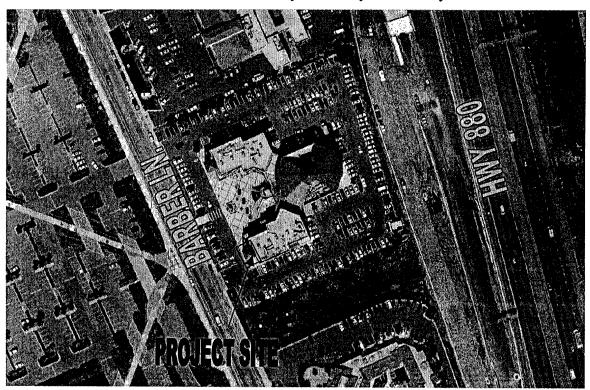
BACKGROUND

In May 1996, the City approved a General Plan Amendment changing the land use from industrial park to commercial. In February 1997, the City approved an approximate 40,000 square foot retail center. Subsequent approvals include various use permits for restaurants and telecommunication facilities and S-Zone Amendments for various external building and site modifications.

In June 2005, Planning Commission approved Use Permit No. UP2005-10 which allows for the operation of an 18-seat restaurant. The applicant is requesting a use permit amendment to include the sale of all types of alcohol in conjunction with the café restaurant.

Site Description

The project site is located on the east side of Barber Lane between the Hetch-Hetchy Right-of-Way and the recently vacated Billings Chevrolet site. Interstate 880 runs along the eastern boundary of the site. The site has a zoning designation of General Commercial with an "S" Zone overlay (C2-S). As shown in the aerial photo below, neighboring land uses include industrial parks to the west, Highway 880 to the east, commercial uses to the north, and Cisco Systems' day care facility to the south.



THE APPLICATION

The applicant is requesting approval of a Use Permit Amendment, pursuant to Section 19.03-36 (restaurants) and Section 57 (Use Permits) of the zoning ordinance for an existing 18-seat restaurant with proposed onsite sale and consumption of alcoholic beverages.

PROJECT DESCRIPTION

Floor Plan: The existing layout for the café restaurant includes kitchen and storage facilities at the back portion of the tenant space, with the 18 seats at the front. The bathroom and counter area is towards the middle section of the space. No layout changes are proposed with this application.

Parking: As demonstrated in the table below, the parking demand is satisfied with the existing onsite parking.

Use	Square Feet/Seats	Parking Requirement	
Current Retail Space	1,100 square feet	5 spaces	
Proposed Restaurant Seats: 1 space per 3 seats, plus 10% employee parking	18 seats	6 spaces	
	Parking Deficit	1 space	
Excess Parking at the Center		1 space	
	Overall parking including excess	0	

With this application, the applicant does not propose to increase the number of seats or modify the layout that would change the parking demand.

ISSUES

USE PERMIT FINDINGS

Any approval of a Use Permit or Use Permit Amendment requires that the Planning Commission make the following findings:

- 1. The proposed use is consistent with the Milpitas Zoning Ordinance.
- 2. The proposed use is consistent with the Milpitas General Plan.
- 3. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare.

The following sections explain how these findings can be made for the proposed project, as conditioned.

Conformance with the General Plan

The project conforms to the General Plan in that the use directly relates to:

- *Implementing Policy 2.a-I-3*, which encourages economic pursuits, which will strengthen and promote development through stability and balance,
- Implementing Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector, and

The café restaurant with ancillary sales of all types of alcoholic beverages is a complementary use with the surrounding businesses. It serves as a dining destination that will help to increase the attraction and vitality of Ulferts Center by providing a suitable night use.

Conformance with the Zoning Ordinance

The proposed project is located in the General Commercial Zoning District (C2). Part of this district's purpose is to "provide for a wide range of retail, personal and business services primarily oriented to

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P.C. ARS—USE PERMIT NO. UA2006-1
Thai Café Restaurant

the automobile customer and to provide for general commercial needs in a stable and attractive commercial development which will afford a pleasant shopping environment...". The project complies with the City's zoning ordinance for the General Commercial district, because it is a retail tenant in a multi-tenant building with adequate parking for the restaurant use.

Neighborhood/Community Impact

The proposed restaurant is expected to have a positive community impact by providing a complementary business to the existing uses in Ulfert's Center and to the adjacent industrial parks in the immediate area. The space has adequate trash facilities that will accommodate garbage generated from the restaurant and there is adequate parking on the site. Staff concludes that the restaurant as conditioned, will not negatively impact the surrounding neighborhood.

RECOMMENDATION

Close the Public Hearing. Approve the Use Permit No. UA2006-1, based on the Findings and Special Conditions of Approval listed below.

FINDINGS

- 1. The proposed restaurant is consistent with the City of Milpitas Zoning Ordinance and General Plan in terms of land use and development standards for the General Commercial zoning district because the use is a conditional permitted in the C2 zoning district, is consistent with the General Commercial designation of the Milpitas General Plan which allows such uses and is a compatible with the surrounding uses.
- 2. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the state CEQA Guidelines.
- 3. As conditioned the proposed restaurant use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent tenants or the surrounding community because the sale of all types of alcohol is a customary and ancillary use to restaurants.
- 4. The proposed sale of alcoholic beverages will not impact parking at the site because the application does not propose any changes or modification to the existing layout or expands the existing restaurant use.

SPECIAL CONDITIONS

- 1. This Use Permit No. UA2006-1 approval is sales of all types of alcoholic beverages for an existing 1,100 square foot, 18-seat restaurant, as shown on approved plans dated February 22, 2006. Any modifications to this use may require a use permit amendment and Planning Commission review and approval. Minor modification can be submitted pursuant to Section 42 to the Planning Division for review and approval. (P)
- 2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations. (P)
- 3. Applicant/property manager shall be responsible for the trash collection and recycling services account. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with Allied Waste Services/BFI for commercial services:

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- A. Maintain an adequate level of service for trash collection.
- B. Maintain an adequate level of recycling collection.

After the applicant has started its business, the applicant shall contact Allied Waste Services/BFI commercial representative to review the adequacy of the solid waste level of services. If services are determined to be inadequate, the applicant/property manager shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

- 4. The developer shall submit a Sewer Needs Questionnaire and/or Industrial Waste Questionnaire with the building permit application and pay the related fees prior to Building Permit issuance. Contact the Land Development Section at (408) 586-3329 to obtain the form(s). (E)
- (P) = Planning Division
- (E) = Engineering Division



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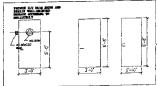
DOOR SCHEDULE

DOOR SCHEDULE:

- A 3(0) X 6'-8" X 1-3/4" SOLID CORE DOOR, PAINTED
- B 3(3" X 6"-8" X 1-3/4" SOLID CORE DOOR, PAINTED G 230" X 6-8" X 1-344" POCKET SOLID CORE DOOR,

DOOR HARDWARE:

- L1. 1-1/2" PAIR BUTTS B8179 X 4-1/2 X 4-1/2 X 106 STA 1- PRIVATE (LEVER TYPE) L SERIES SCH 1- CLOSER W9 X 108 BBW W9 X 10B
- L2. 1-1/2" PAIR BUTTS BB179 X 4-1/2 X 4-1/2 X 108 STA
 1- PASSAGE (LEVER TYPE) L SERIES SCH
 1- CLOSER WB X 10B BBW



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EQUIPMENT SCHEDULE

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901-35

50967 206/3

CDT-36

TSW-306059

T-91

755-1-H

45C 129/1/60

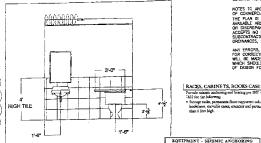
DECTRICAL DATA

ADDITIONAL NOTES:

 SHELVING, RACKS, CABINETS, ETC. OVER 6 FEET TALL SHALL BE SEISMICALLY ANCHORED AND BRACED AS PER SEC. 1632.

2. KITCHEN SINK SHALL BE ACCESSIBLE IN COMPLIANCE WITH SEC.1115B.2.1.6.1. FAUCENT CONTROLS AND MECHANISMS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING. PINCHING OR TWISTING OF THE WRIST.

3. THE WALK-IN COOLER FLOOR AND KITCHEN FLOOR SHALL BE LEVEL WITH EACH OTHER WITH A MAXIMUM VERTICAL OFFSET OF 1/2*



GENERAL NOTES: FOR FOOD SERVICE DESIGN SPECIFICATIONS

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- RACES, CABINETS, BOOKS CASES, ETC.

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NOTE: ALL LIGHTS ARE NEW



REV. DATE NO

7/15/05 8/29/05 2

PROVIDE STRUCTURAL DISKIN: CALCULATIONS, SRAWINGS AND OFFALIS TO THE BUILDING DIVISION FOR REVIEW AND



(E) WALL
(N) 3-5/8° 25G, METAL FRAMING
(N) 3-5/8° 25G, METAL FRAMING W/ INSULATION FOR SOUND

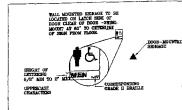
RESTROOM DETAIL

- ACCESSIBLE ENTRANCE AND CIRCULATION

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 All required and foot stalls for \$12^{-6}\$ date speaking [36]

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H/C BRAILLE DOOR SIGN

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235,000

50,000

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7.8

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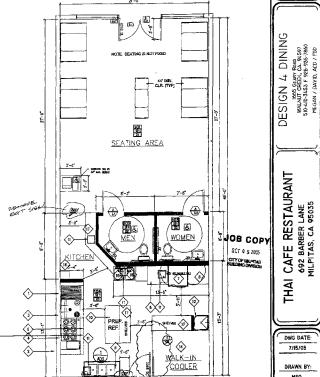
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PROVIDE A 18" CLEARANCE BETWEEN HOOD AND WALL, CMC SEC. 509,3

CEILING PLAN

SCALE: 1/4" = 1'-0"

ACCESSIBILITY FOR BUILDINGS



PROPOSED EQUIPMENT PLAN

SCALE: 1/4" = 1'-0"



7/15/05

DRAWN BY:

MSD

NOTES: 1. THE THREE-COMPARTMENT SHAK IS TO HAVE 2 INTEGRAL METAL DRAWN SOARS	s, the sink compartments are to be large enough to hill the largest litensil to be
A CAME AND IS TO DRAW BETWEET IN MITO A FLOCK SMK.	

2. NO HOOD REQUIRED FOR UNDERCOUNTER DISHMASHER

GESCRIP BON DESG

CHAR-ROOK BROLLERS

6 36" X 30" S.S. DISHTABLE

8 36" x 30" S.S. DISHTARLE

7 DISHMASKER, UNDERCOUNTER

9 144" x 48" S.S. EXHAUST #000

3 CHINESE RANGE-WATER COOLED TOP

4 36" HEAVY DUTY RESTAURANT RANCE

2 14" DEEP FRYER

5 THIPLE SINK

10 SU" PREP REF.

13 WATER HEATER 14 WALK-IN COOLER

15 HAND SINK

16 PREP SINK 17 SHELMES

18 EMPLOYEE LOCKER

11 FLOOR SIX 12 MOF SINK